

**IN THE UNITED STATES DISTRICT COURT OF PENNSYLVANIA
WESTERN DISTRICT, ERIE DIVISION**

ERIE COUNTY ENVIRONMENTAL COALITION, et. al.))	
Plaintiffs,)	CIVIL ACTION NO: 05-59E
)	
v.)	
)	
MILLCREEK TOWNSHIP SEWER AUTHORITY, et. al.))	
Defendants.)	FOR INJUNCTIVE AND
)	DECLARATORY
)	RELIEF AND FOR
)	CIVIL PENALTIES
)	

DECLARATION IN SUPPORT OF STANDING

I, James Gwinn, do hereby affirm and state:

1. I am a member of the Save Our Native Species (S.O.N.S.) of Lake Erie, a non-voting member of **The Erie County Environmental Coalition**. I have been a member since the early 1990's . In February of 2005 I joined the Erie County Environmental Coalition and the Gaia Defense League as an individual member. I have personal knowledge of the matters set forth herein, except where they are based upon information and belief.

2. The mission of **The GAIA Defense League**:

The purpose of the corporation is to, by utilizing the laws of the Commonwealth of Pennsylvania and the United States, protect the natural resources available to the citizens. The corporation intends to lawfully monitor the activities of the environmentally regulated community and when necessary, bring enforcement actions in the courts and administrative tribunals. Additionally, the corporation will undertake and promote the education of the citizenry in the protection of the natural resources. The corporation will also promote other civic interests such as assisting local governments on community building and sustainable development and conduct seminars and presentations to the public at large of a wide variety of related matters.

3. The mission of **Erie County Environmental Coalition**:

The Erie County Environmental Coalition (ECEC) is a network of regional conservation and environmental organizations that provides member organizations a

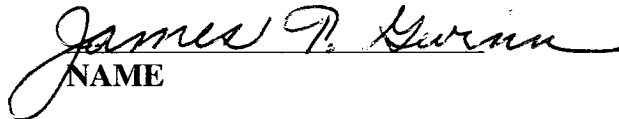
united presence that will maintain and improve the quality of the environment and address related social justice concerns.

4. My present address is 6119 Sterrettania Road, Fairview, PA 16415.
5. I understand that this declaration is to be used in connection with litigation over MillCreek Township and MillCreek Township Sewer Authority's failure to perform its duties under the Clean Water Act. I am supportive of this litigation.
6. I have used and continue to use Pennsylvania's waters, including Walnut Creek. Particularly I like to fish Walnut Creek, Elk Creek, and Lake Erie. I actively participate in conservation activity to monitor, measure and report causes of pollution to PA waters; causes of disturbance and destruction of PA lakes and waterways; and causes of disturbance and destruction of PA lands and surface ecosystems. I actively participate in restoring land surface ecosystems. Examples are 1) participation in fish hatching, rearing, and stocking with the S.O.N.S organization; 2) performing land steward work with the Western Pennsylvania Conservancy at Venango Riffles on French Creek at Utica Shoals on French Creek; at Lake Pleasant in Erie, PA; and at Erie Bluffs State Park in Erie, PA; Hike along and monitor stream courses in NW PA and report findings to PA Fish and Boat Commission; Recent involvement in Thomas Run Watershed evaluations related to land surface development in Millcreek and McKean Townships
7. I enjoy participating in the aforementioned activities approximately 450 to 600 hours a year.
8. My enjoyment of the Walnut Creek has been severely impacted by the continuous discharge of raw sewage and/or inadequately treated sewage by Mill Creek Township and Mill Creek Township Sewer Authority into Walnut Creek. These discharges also enter into the tributaries surrounding Walnut Creek as well. These discharges are being conducted without a NPDES permit. Additionally, The Township and the Sewer Authority do not have a Pennsylvania water quality management permit for these discharges. My enjoyment of Walnut Creek has been significantly impacted by MillCreek Township and MillCreek Township Sewer Authority's continuous discharge of significant amounts of raw sewage and/or inadequately treated sewage into Walnut Creek and its surrounding tributaries in the following ways: I will no longer eat fish taken in Walnut Creek. The sewage overflow from heavy storm water runoff reported in the Erie News Media many years ago convinced me that eating fish from such contaminated water would be unhealthy for my family, friends, and self. Degradation of surface water flowing in Walnut Creek compels me to advise other fishermen to "catch and return."
9. Heavy silt laden flows in Walnut Creek from inadequate storm water runoff management is a sharply increasing occurrence in Walnut Creek, even during moderate rainfalls. Tons and tons of topsoil are being lost, deposited in the Walnut Creek streamflow path and into Lake Erie. The sediments to be dredged from the

Walnut Creek outflow into Lake Erie are more frequent and costly each year. And we are loosing more and more fresh water as the surface vegetation is being removed and replaced by impervious roofing, paving and roadways. High level, fast flowing silt laden waters cannot be productively fished, an increasing amount of the time. The water quality and water flow volumes of Walnut Creek are being degraded by unmanaged surface water management in municipal existing and developing watershed areas.

10. I believe that my loss of enjoyment of Walnut Creek is a direct result of MillCreek Township and MillCreek Township Sewer Authority's failure to ensure that water quality standards are implemented within the township.
11. This court has the ability to ensure that Pennsylvania's waters are preserved for my use and enjoyment, as well as future generations, by forcing MillCreek Township Sewer Authority and MillCreek Township to comply with the Clean Water Act.

I VERIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT. EXECUTED ON 11/9/05 (date).


NAME